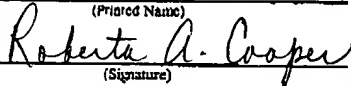


Atty. Dkt. No. 035451-0127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cheri et al.
Title: CONTROL OF BRIGHTNESS
AND CONTRAST BY
AVERAGING
Appl. No.: 09/842,561
Filing Date: 04/25/2001
Examiner: Caschra, Antonio A.
Art Unit: 2676

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 459165615 US	7/21/04
(Express Mail Label Number)	(Date of Deposit)
Roberta A. Cooper	
(Printed Name)	
	
(Signature)	

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

RECEIVED

JUL 29 2004

Technology Center 2600


Sir:

We, Yann Cheri and Thierry Escande, state and declare that:

1. Each of us conceived the subject matter recited in at least one of Claims 1-17 currently pending in U.S. Patent Application No. 09/842,561 titled "Control Of Brightness And Contrast By Averaging" (hereinafter referred to as "the '561 application").
2. We understand that in an Office Action dated April 5, 2004, Claims 1-2 and 7-17 were rejected as being unpatentable.
3. We understand that the rejection of Claims 1-2 and 7-17 was based in part on the use of U.S. Patent Application Publication No. 2002/0163524 to Dutta, entitled "System And Method For Automatic Adjustment Of Backlighting, Contrast And Color In A Data Processing System" (hereinafter "Dutta").
4. We understand based on the information provided on the front page of Dutta that Dutta has a filing date of December 7, 2000.

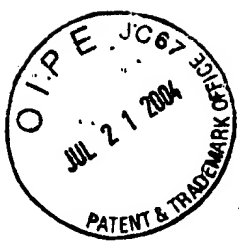
5. At least by December 5, 2000, we conceived in France the ideas set forth in Claims 1-17 of the '561 application. Such conception is evidenced by the following attached documents:
- a) An electronic mail message dated December 6, 2000 from undersigned inventor Yann Cheri. The portion of this message relating to confidential subject matter unrelated to the subject matter of the '561 application has been redacted. A machine translation of the remaining portions of the December 6, 2000 is also provided herewith.
 - b) An electronic mail message dated February 16, 2001 from undersigned inventor Yann Cheri.
 - c) A copy of an Invention Disclosure Form that was attached to the February 16, 2001 electronic mail message that describes our invention and indicates that our date of conception for the concepts described in the Invention Disclosure Form was December 5, 2000.
6. Based on the documents provided herewith and our best recollection, the conception of the ideas set forth in Claims 1-17 of the '561 application took place at least by December 5, 2000, which is before the December 7, 2000 filing date of Dutta.
7. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application or any patent issuing therefrom.

Date: 07/21/2004

By: 
Yann Cheri

Date: 07/21/2004

By: 
Thierry Escande



From: Yann Cheri [yann_cheri@palm.com]
Sent: Wednesday, December 06, 2000 11:06 AM
To: Matthieu_Baraban/EMEA/PALM; tescande; fpaolucci; ycheri
Subject: RE: Brevets - Confidentiel - Ne pas distribuerà PPI, LFe, JTr et OGu !!!

Juste quelques commentaires :

- > Voici une liste des brevets discutés toute à l'heure.
- > Vous pouvez modifier cette liste et me la renvoyer, je centralise.

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- > - Capteurs de luminosités (2) permettant, grace à une moyenne, de calculer
- > la luminosité optimale.
 - > la position des capteurs, proche de l'ecran, est primordiale.
 - > interet: augmenter la simplicité d'utilisation dans toutes les conditions climatique

Machine Translation (<http://world.altavista.com/>)

Electronic Mail Message dated December 6, 2000

Subject: RE: Patents - Confidential - not distribuerà PPI, LFe, JTr and OGu!!!

Just some comments:

Here a list of the patents discussed very with l'heure.
You can modify this list and to return it to me, I centralize.

...

- Sensors of luminosities (2) allowing, thanks to an average, to calculate the optimal luminosity. the position of the sensors, near of l'ecran, is of primary importance. interest: to increase simplicity d utilisation under all the conditions climatic

...

NOTE: Portion of electronic mail message relating to other concepts redacted as confidential information.

From: Yann Cheri [IMCEAEX-
_O=PALM_OU=EU_CN=RECIPIENTS_CN=MONTPELLIER_CN=USERS_CN=YANN+
2ECHERI@palmsource.com]
Sent: Friday, February 16, 2001 11:21 AM
To: Henry Ohab
Cc: Regis Nicolas; Thierry Escande; Yann Cheri
Subject: Automatic Contrast by Average IDF



Automatic Contrast
by Average ...

Henry,

Please find attached in this mail, the Automatic Contrast by Average IDF.
As we have already discussed during your trip in Montpellier, the main interest is the
position of the sensors. Of course, if you need more information feel free to contact me.

Best regards,

Yann CHERI
System Software Engineer
Palm Computing Europe
Yann.Cheri@corp.palm.com
(+33) 04 99 52 43 60
<<Automatic Contrast by Average - IDF.doc>>

Palm, Inc. Invention Disclosure Form

5470 Great America Parkway, Santa Clara, CA. 95052.

Instructions:

- Any questions regarding this form should be referred to Henry Ohab at (408) 326-5501, Fax: (408) 326-5009, or E-mail Henry_Ohab@Palm.com
- Return Completed Form To: Henry Ohab

Date Stamp:**1. Title of the Invention** Write a short descriptive title, avoiding coined terms and project names.**Automatic Control of Brightness and Contrast by Averaging****2. Inventors** Include the names of all persons who made a contribution to the conception of the invention.
If there are more than five inventors list at end of this form.

Full Name:	Yann Cheri	M.S.
Home Address:	Les Collines de St Priest - Bat F22, Appt 177 - 34090 Montpellier	
Home Phone:	+33 4 67 41 93 10	Work Phone: +33 4 99 52 43 60
Employee No.	70872	
Supervisor:	Herve Fayolle	Location: Montpellier
Citizenship:	France	:

Full Name:	Thierry Escande	M.S.
Home Address:	Bât D, appt 149, 1275 rue d'Alco - 34080 Montpellier - France	
Home Phone:	+33 4 67 10 85 13	Work Phone: +33 4 99 52 41 06
Employee No.	70871	
Supervisor:	Thierry Martel	Location: Montpellier
Citizenship:	French	:

Full Name:	M.S.	
Home Address:		
Home Phone:		Work Phone:
Employee No.		
Supervisor:		Location:
Citizenship:		:

Full Name:	M.S.	
Home Address:		
Home Phone:		Work Phone:
Employee No.		
Supervisor:		Location:
Citizenship:		:

This Invention Disclosure Form is submitted pursuant to your employment agreement with Palm, Inc. In accordance with said agreement, you have agreed to assign and hereby do assign all rights, title, and interest in the above described invention and any patent applications and patents based on this invention to Palm, Inc. and its subsidiaries.

3. Conception of the invention

Date of conception: 12/05/00 Location of conception Montpellier

4. Related Art

Is this invention an improvement of an existing COMPANY product? No ☐ Yes ☒

If "Yes," identify the existing product:

and identify the improvement

Compaq iPaq

What was the problem to be solved?

The positioning of the sensor is not optimal. Sensor positioning is very critical because of the shadows, etc... The sensor's returned value, which is the reference value, in the iPaq does not correspond to the global exposition of the screen, thus the results are not always accurate.

How had others attempted to solve it before you?

What were the problems or disadvantages with prior solutions?

What are the closest known prior art technology or products?

The iPaq auto-brightness technology.

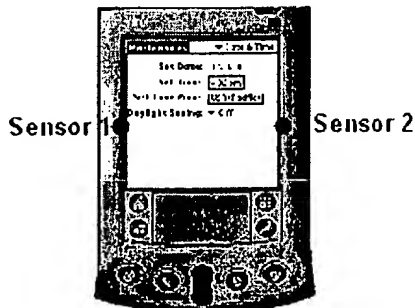
5. Reference Materials

List any printed publications, patents, patent applications or any other materials you are aware of which provides background material and/or prior art for your invention.

What other companies or inventors might have prior art?

6. Drawings of the invention

Please submit clear drawings which illustrate the invention either by electronically inserting them below or by using supplemental sheets if you cannot electronically insert them.



7. Brief Description of the invention

Describe the structure, function and/or method of the invention in just enough detail to enable someone technical to understand how you solved the problem. Explain how the invention solves the problem identified in Section 4 above.

The main interest of the PDA is to be able to take it out of your pocket and use it, everywhere: outdoors, in a train, a car, etc... As it is possible to move while using the Palm, the user must often adjust the brightness using the contrast's wheel. Thus, for a clear view of the display the screen's brightness must be adjusted according to the dynamics of the luminosity.

The principle of this mechanism is to add a self-adjusting mechanism to the brightness by means of two inserted photoelectric sensors. These sensors, at least 2, must be placed at the corners (e.g upper left and bottom right) of the screen in order to obtain accurate reference values.

This method is different from the one used in the Compaq iPaq :

(<http://www6.compaq.com/products/handhelds/pocketpc/features.html>) because it only provides one reference value which is based on an average that covers the entire screen.

In technical terms, the values returned by these fixed sensors are averaged to control the intensity of the electrical current and the voltage to be applied to the screen.

This method provides a good adjustment method since it handles cases where only one part of the screen is under or overexpose to light.

A good solution would be to add two others sensors at the middle (center) height of the screen (at each sides). This will increase the accuracy of the measurement and the adjustment. The positioning of the sensors is very critical because of the shadows, etc...

In this way, the brightness is dynamic and automatically updated according to the current luminosity.

8. Strategic/Tactical Value of the Invention

Very briefly, explain how this invention will have strategic value to the company. That is, how could such a patent help Palm, Inc. and/or how could such a patent adversely affect our competitors, both in the present and in the future?

The visibility on a PDA screen is very important because information needs to be displayed clearly while the screen is small. Moreover, Palm's PDA main interest is to provide an easy to use tool for the users without them having to think about adjusting and regulating options. Thus the user can focus on their work.

9. Joint Development or Development Contract

Was this invention jointly developed with inventors from another company? No ☐ Yes ☐

If "Yes," please identify the company and/or non-Palm inventors: _____

10. Release

Expected/actual date of first public release or showing of invention or product incorporating or using the invention.

11. Publication of the Invention

Publication of a description of the invention may affect COMPANY's right to patent the invention. Submit this form even if publication has occurred.

Has a description been published or is it scheduled to be published? No ☐ Yes ☐

If "Yes," when and to whom? _____

12. Attorney

If there is a particular patent attorney with whom you would like to work on this disclosure, suggest his/her name. _____

This is a SUPPLEMENTAL INVENTOR SHEET which is to be used if there are more than 4 inventors for the invention set out in the Invention Docket specified above.

13 Additional Inventors

Include names of all persons who made a contribution to the conception of the invention. If there are more than five inventors, use a Supplemental Sheet.

Full Name:	M.S.		
Home Address:			
Home Phone:		Work Phone:	
Employee No.			
Supervisor:		Location:	
Citizenship:		:	
Full Name:	M.S.		
Home Address:			
Home Phone:		Work Phone:	
Employee No.			
Supervisor:		Location:	
Citizenship:		:	
Full Name:	M.S.		
Home Address:			
Home Phone:		Work Phone:	
Employee No.			
Supervisor:		Location:	
Citizenship:		:	
Full Name:	M.S.		
Home Address:			
Home Phone:		Work Phone:	
Employee No.			
Supervisor:		Location:	
Citizenship:		:	
Full Name:	M.S.		
Home Address:			
Home Phone:		Work Phone:	
Employee No.			
Supervisor:		Location:	
Citizenship:		:	